

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

VICTOR L. TAYLOR, SR.,

Plaintiff,

v.

No. 11-02745-JPM-dkv

UNITED STATES DEPT. OF JUSTICE,
et al.,

Defendants.

REPORT AND RECOMMENDATION FOR SUA SPONTE DISMISSAL

On August 29, 2011, Plaintiff Victor L. Taylor, Sr., filed a *pro se* complaint pursuant to 28 U.S.C. § 1346, along with a motion seeking leave to proceed *in forma pauperis* (Docket Entries ("D.E") 1 and 2). By order dated March 7, 2012, the motion to proceed *in forma pauperis* was granted.

On April 17, 2013, mail addressed to Victor Taylor, Sr., to his address on file was returned undeliverable marked "DECEASED." According to the Commercial Appeal obituary dated August 8, 2012, Victor Lamont Taylor, Sr., age 54, died on August 1, 2012.

By order dated May 28, 2013, in accordance with Rule 25 of the Federal Rules of Civil Procedure, a suggestion of death of the plaintiff, Victor L. Taylor, Sr., was filed, and the court ordered a proper party be substituted within 90 days or the case would be dismissed. Ninety days has expired, and no party was substituted.

Accordingly, it is recommended that this case be dismissed pursuant to Rule 41(b) for failure to prosecute or comply with a court order.

Respectfully submitted, this 6th day of September, 2013.

s/Diane K. Vescovo
DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

NOTICE

Within fourteen (14) days after being served with a copy of this report and recommended disposition, a party may serve and file written objections to the proposed findings and recommendations. A party may respond to another party's objections within fourteen (14) days after being served with a copy. FED. R. CIV. P. 72(b)(2). Failure to file objections within fourteen (14) days may constitute a waiver of objections, exceptions, and further appeal.